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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** BRENT EICHELBERGER, VILLAGE ADMINISTRATOR  
ALISON MURPHY, ASSISTANT TO THE VILLAGE ADMINISTRATOR/  
VILLAGE CLERK  
**SUBJECT:** ORDINANCE: AMENDING TITLE 3, CHAPTER 2 (LIQUOR CONTROL)  
**AGENDA:** DECEMBER 6, 2022 REGULAR BOARD MEETING  
**DATE:** NOVEMBER 23, 2022

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**ISSUE**

Should the Board approve an Ordinance Amending Title 3 (Business and License Regulations) of the Village Code (Liquor Control)

**DISCUSSION**

The Board discussed the proposed revisions to the Village Liquor Control Ordinance at the June 21, 2022, September 6, 2022, September 20, 2022 and November 15, 2022 Village Board Meetings. At the September 6<sup>th</sup> meeting, the Board reached consensus on staff's recommended language with changes to the BYOB provision and the Hours of Operations. At the September 20<sup>th</sup> meeting, the Board directed staff to draft language to include a requirement for food service and also language to include a waiver for the food service requirement. At that November 15<sup>th</sup> meeting, the Board reached consensus to approve a fixed percentage of sales (15%) food service requirement with On Premise liquor licenses and an Overlay Permit Classification – Food Service Waiver that will allow for the requirement of food service to be waived by the Village Board with no fee. The attached ordinance includes all changes discussed by the Board.

Upon approval of the new ordinance, all current licenses will continue to remain in effect within their current classifications until renewal in May 2023. The 2023-2024 liquor license renewal process starts in early 2023. Staff will allow for ample time in the process to educate current liquor license holders on the new ordinance provisions.

Moving forward all new licenses will be processed under the new scheme. There will be "0" available licenses under the new scheme to start.

**COST**

There have been attorney fees of approximately \$1,500 for review of the ordinance and will be a small cost for codifying the ordinance, which is already included in the budget.

**RECOMMENDATION**

That the Board approve an Ordinance Amending Title 3 (Business and License Regulations) of the Village Code (Liquor Control).



**VILLAGE OF SUGAR GROVE**

**ORDINANCE NO. 20221206A**

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**An Ordinance Amending Village Code Title 3, Chapter 2 (Liquor Control)**

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PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS  
THIS 6<sup>TH</sup> DAY OF DECEMBER, 2022.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY  
OF THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS  
THIS 6<sup>TH</sup> DAY OF DECEMBER, 2022

**VILLAGE OF SUGAR GROVE  
ORDINANCE NO. 20221206A**

**An Ordinance Amending Title 3 (Business and License Regulations) of the Village Code (Liquor Control)**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows;

**WHEREAS**, the Village of Sugar Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and accordingly, acts pursuant to the powers granted to it under 65 ILCS 5/1-1 et seq.; and,

**WHEREAS**, the Illinois Liquor Control Act, 235 ILCS 5/4-1, establishes that the Village of Sugar Grove Board of Trustees shall have the power by general ordinance or resolution to determine the number, kind, and classification of licenses, for sale at retail of alcoholic liquor; and,

**WHEREAS**, the Village of Sugar Grove Board of Trustees finds that it is in the best interests of the citizens of the Village of Sugar Grove to amend the Village of Sugar Grove Village Code Title 3 Chapter 2 to update its regulations.

**NOW, THEREFORE, BE IT ORDAINED** by the President and the Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

**SECTION ONE: ORDINANCE SECTIONS AMENDED**

- A. That Chapter 2 of Title 3 be, and it is, hereby deleted in its entirety.
- B. That a new Chapter 2 of Title 3 be, and it is, hereby added to be and to read as shown in Exhibit A, attached hereto and made a part hereof by this reference.

**SECTION TWO: GENERAL PROVISIONS**

**REPEALER:** All ordinances or portions thereof in conflict with this Ordinance are hereby repealed.

**SEVERABILITY:** Should any portion of this Ordinance be declared invalid by a court of competent jurisdiction; the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

**EFFECTIVE DATE:** This Ordinance shall be in full force and effect after its approval, passage, and publication in pamphlet form as provided by law.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 6th day of December, 2022.

\_\_\_\_\_  
Jennifer Konen,  
Village President

ATTEST:

\_\_\_\_\_  
Alison Murphy,  
Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Matthew Bonnie	_____	_____	_____	_____
Trustee Sean Herron	_____	_____	_____	_____
Trustee Heidi Lendi	_____	_____	_____	_____
Trustee Michael Schomas	_____	_____	_____	_____
Trustee Ryan Walter	_____	_____	_____	_____
Trustee James F. White	_____	_____	_____	_____

## EXHIBIT A

### CHAPTER 2 LIQUOR CONTROL

#### SECTION:

- 3-2-1: Definitions
- 3-2-2: Local Liquor Control Commissioner
- 3-2-3: License Required; Compliance With Provisions
- 3-2-4: Application For License
- 3-2-5: Restrictions On Issuance Of License
- 3-2-6: License Classifications
- 3-2-7: Number Of Licenses And Fees
- 3-2-8: Insurance Requirements
- 3-2-9: Term Of License
- 3-2-10: Disposition Of Fees
- 3-2-11: Renewal Of Licenses
- 3-2-12: Restrictions
- 3-2-13: Conditions Of License
- 3-2-14: Employees
- 3-2-15: Sales To Certain Persons Prohibited; Minors
- 3-2-16: Inspections
- 3-2-17: List Of Licenses Kept
- 3-2-18: Peddling
- 3-2-19: Revocation Or Suspension Of License
- 3-2-20: Penalties

#### **3-2-1: DEFINITIONS:**

Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the definitions given below. Any term not defined or otherwise modified by this chapter shall have the meaning prescribed in the Illinois Liquor Control Act (235 ILCS 5/ *et seq.*)

ACT: The Illinois Liquor Control Act of 1934 (235 ILCS 5/ *et seq.*)

ALCOHOLIC LIQUOR: Any spirits, wine, beer, ale or other liquid containing more than one-half of one percent (0.5%) of alcohol by volume, which is fit for beverage purposes.

COMMISSIONER: The Local Liquor Control Commissioner of the Village of Sugar Grove

LICENSED PREMISES: Any building, portion of a building, secured enclosed area, or other such area identified on a liquor license application and used by the licensee for purposes of serving liquor pursuant to a liquor license.

ORIGINAL PACKAGE: Any container whatsoever used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and to convey any alcoholic liquor.

RETAIL SALES: The sale for use or consumption and not for resale. (Ord. 2004-06-15B, 6-15-2004; amd. Ord. 2022-0503B, 5-3-2022)

### **3-2-2: LOCAL LIQUOR CONTROL COMMISSIONER:**

A. Liquor Control Commissioner: The Village President shall be the Local Liquor Control Commissioner of the Village. The Commissioner may appoint, with the advice and consent of the Village Board, a person or persons to assist them in the exercise of the powers and the performance of the duties herein provided for such Commissioner.

When in this Chapter the Commissioner shall be referred to, it shall include any committee or other agency appointed by said Commissioner.

B. Powers and Duties Of Commissioner: The Commissioner shall have the following powers, functions, and duties with respect to liquor licenses: (Ord. 2004-06-15B, 6-15-2004)

1. To grant or revoke for cause, all local liquor licenses issued to persons for premises within the jurisdiction of the Commissioner, subject to approval by the board of trustees.
2. To suspend for not more than 30 days all local liquor licenses issued to persons for premises within the jurisdiction of the Commissioner.
3. To grant a Temporary Liquor License valid through the next regularly scheduled Village Board meeting.
4. To enter or to authorize any law enforcing officer to enter at any time upon any Licensed Premises to determine whether any of the provisions of the Act or any ordinances, rules, or regulations adopted by the Village or by the State Liquor Control Commission have been or are being violated, and at such time to examine said Licensed Premises in connection therewith and to act upon such complaints in the manner hereinafter provided.
5. To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act of 1986 or a foreign corporation functioning as a club in this State under a certificate of authority issued under that act has violated the Act by selling or offering for sale at retail alcoholic liquors without a retailer's license.
6. To receive a complaint from any citizen within his jurisdiction that any of the provisions of the Act, or any rules or regulations adopted pursuant thereto, have been or are being violated and to act upon the complaint in the manner hereinafter provided.
7. To receive local license fees and pay the same forthwith to the Village Clerk.
8. To notify the Secretary of State of any convictions or dispositions of court supervision for a violation of 6-20 of the Act or Section 3-2-15 of this Code.
9. The power to levy fines in accordance with Section 7-5 of the Act or Section 3-2-20 of this code.
10. To require fingerprints of any applicant for a local liquor license or for a renewal thereof, other than the applicant who is an air carrier operating under a certificate or a foreign air permit issued pursuant to the Federal Aviation Act of 1958.
11. To examine, or cause to be examined under oath, any applicant for a local license or renewal thereof, or any licensee upon whom notice of revocation has been served in the manner hereinafter provided, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof of information in any manner from the applicant or licensee, pertaining to any part of

his/her performance of his/her duties, and for any such purpose to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining information as allowed under this section, the Commissioner may authorize an agent to act on their behalf.

12. The Commissioner shall keep or cause to be kept a complete record of all such licenses issued by the Village, and shall furnish the Village Clerk, Village Treasurer and Chief of Police with copies thereof. Upon issuance of any new license or the revocation of an old license, the Commissioner shall give written notice of such action to each of these officers within forty-eight (48) hours of such action.
13. The Commissioner and the Chief of Police may without notice or hearing, close an establishment upon the issuance of a written order in the event the public peace or welfare of the community is likely to be threatened or endangered by the keeping open of the establishment in accordance with the Illinois Liquor Control Act. The Chief of Police shall also be given the power to close a Licensed Premises if the Licensed Premises constitutes a crime scene and such closing could prevent the loss or destruction of evidence and facilitate a police investigation or if the Licensed Premises was the scene of a violent disturbance involving injury or threat to citizens. The Chief of Police will document such closing and the reasons therefor and submit a written report to the Commissioner.

C. Presidential Interest in Alcoholic Liquor - If the Village President has an interest in the manufacture, sale, or distribution of alcoholic liquor, the Village President must direct the Board of Trustees to appoint, by majority vote, a person other than him or her to serve as the Commissioner. The Village President cannot make nominations or serve any other role in the appointment. The appointment must be made within thirty (30) days from the day on which after the Village President (i) takes office, or, (ii) has an interest in the manufacture, sale, or distribution of alcoholic liquor.

To prevent any conflict of interest, the Village President with the interest in the manufacture, sale or distribution of alcoholic liquor shall not participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor. Further, the individual appointed to serve as the Commissioner:

1. Shall be an attorney with an active license to practice law in the State of Illinois;
2. Shall not legally represent liquor license applicants or holders before the Board of Trustees or before any Illinois jurisdiction;
3. Shall not have an interest in the manufacture, sale, or distribution of alcoholic liquor; and
4. Shall not be appointed to a term to exceed the term of the Village President, or members of the Board of Trustees. (Ord. 2004-06-15B, 6-15-2004; amd. Ord. 2022-0419B, 4-19-2022)

### **3-2-3: LICENSE REQUIRED; COMPLIANCE WITH PROVISIONS:**

A. It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license.

B. No person shall allow alcoholic liquor to be brought into and/or consumed on the premises of a business open to the public without having a liquor license specifically allowing alcoholic liquor to be brought into and/or consumed on such premises; provided, however, nothing contained in this subsection shall prevent the possession and transportation of alcoholic liquor for the lawful, noncommercial use of the possessor, and his family and guests within the possessor's own property. (Ord. 2010-04-06A, 4-6-2010)



### **3-2-4: APPLICATION FOR LICENSE:**

A. Statements and Information Required: Applications for such local liquor licenses shall be made to the Commissioner, on forms to be provided by the Village Clerk signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit and shall contain the following statements and information required by Article VII of the Illinois Liquor Control Act, as applicable to the Village, or as otherwise requested by the Village in its liquor license application packet, as may be amended from time to time:

All fingerprinting shall be done by the village police department. Said fingerprints shall be submitted to the appropriate state or federal agency for processing as available. The cost of fingerprinting shall be recoverable from the applicant. Each applicant shall submit his or her fingerprints to the Illinois State Police in the form and manner prescribed by the Illinois State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases. The Illinois State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Illinois State Police shall furnish pursuant to positive identification, records of conviction to the commissioner. For purposes of obtaining fingerprints under this Section, the local liquor commissioner shall collect a fee and forward the fee to the appropriate policing body who shall submit the fingerprints and the fee to the Illinois State Police. (Ord. 2004-06-15B, 6-15-2004)

19. All applicants for a new liquor license, with the exception of Government – On and Off Premise, shall be subject to a five hundred dollar (\$500.00) initial processing fee. This fee shall not apply to renewals. (Ord. 2011-05-03, 5-3-2011). The Village shall have the right to fingerprint all applicants. Applicants for Government – On or Off Premise licenses will not be fingerprinted.

B. Incomplete Applications:

1. Application for local liquor licenses, which are incomplete, inaccurate or fail to contain the statements or information required by this Chapter, shall be rejected by the Commissioner. The Commissioner shall issue a written rejection of such application setting forth the deficiency in said application within sixty (60) days of its receipt by the Village Clerk, in their behalf. Prior to such rejection, the applicant may submit the additional information or statements required to complete such application.

2. Administrative or legal expenses incurred in reviewing incomplete or inaccurate liquor applications, advising the applicant of such deficiencies and rejecting such applications shall be paid by the applicant. A bill or invoice shall be submitted to the applicant specifying the additional administrative or legal expenses incurred in processing the applicant's incomplete liquor application, which shall be paid by the applicant together with the annual license fee prior to the issuance of such license. (Ord. 2004-06-15B, 6-15-2004)

### **3-2-5: RESTRICTIONS ON ISSUANCE OF LICENSE:**

No such license shall be issued to:

- A. A person who is not a resident of the Village in which the premises covered by the license are located; except in case of railroad or boat licenses. For purposes of this provision, a corporation that does business in the Village is deemed in compliance with this provision.
- B. A person who is not a citizen of the United States.
- C. A person who has been convicted of a felony.
- D. A person who has been convicted of being the keeper or is keeping a house of ill fame.

- E. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality. A person whose license under this chapter has been revoked for cause.
- F. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.
- G. A copartnership, unless all of the members of such copartnership shall be qualified to obtain a license.
- H. A corporation, if any officer, manager or director thereof, or any stockholder having a five percent (5%) or more interest would not be eligible to receive a license hereunder for any reason other than residence.
- I. A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee.
- J. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his/her bond to appear in court to answer charges for any such violation.
- K. A person who does not own the premises for which a license is sought or does not have a lease thereon for the full period for which the license is issued.
- L. Any law enforcing public official, including the Village President or any member of the Board of Trustees, interested directly or indirectly in the manufacture, sale or distribution of alcoholic liquor whether as an individual or under a corporate entity in such liquor related business, except:
  - 1. A license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission;
  - 2. A license may be granted to the Village President or any member of the Board of Trustees in relation to premises that are located within the territory subject to the jurisdiction of that official if:
    - a. The sale of alcoholic liquor pursuant to the license is incidental to the selling of food;
    - b. The issuance of the license is approved by the State Liquor Control Commission;
    - c. The issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located;
    - d. The official granted a license does not vote on alcoholic liquor issues pending before the Board of Trustees to which the license holder is elected; and
    - e. In the case of the Village President, an alternative Local Liquor Control Commissioner has been appointed as outlined in 3-2-2-C.
- M. Any person not eligible for a state retail liquor dealer's license. (Ord. 2004-06-15B, 6-15-2004; amd. Ord. 2022-0419B, 4-19-2022)

### **3-2-6: LICENSE CLASSIFICATIONS:**

- A. There shall be the following classifications of license:
  - a. On Premise – All Ages
  - b. On Premise – 21+
  - c. On Premise – Pour
  - d. Off Premise
  - e. Government – On and Off Premise

- B. Each license classification can be issued as Annual or Temporary with temporary defined as up to 30 days per license year (any portion of a day is a full day).
- C. General Guidelines for All Classifications.
  - a. On Premise includes entire defined premises, indoor and outdoor
  - b. Application would require exhibit to define premises, enclose need case-by-case, food truck premises can be amended by approval during the license year.
  - c. On Premise includes catering, hotel bar/restaurant (mini-bars under package)
  - d. Bring Your Own Beer/Beverage (BYOB) is prohibited without a BYOB Overlay Permit as described in section 3-2-7.
  - e. On Premise licensees must derive more than 15 percent of its gross revenue (on an annual basis) from the sale of foods. To the extent that the Licensed Premises has video gaming on-site, any revenues derived from video gaming (as permitted by Illinois law) in the Licensed Premises are expressly excluded from the sale of foods and must be included instead in the remaining percentage of gross revenue allowable for liquor sales. The amount of revenue generated by the license holder from video gaming shall be calculated by considering the after-tax profits of said terminal, less the statutorily mandated 15 percent share of net profits collected by the terminal operator. The determination of whether the 15 percent gross revenue standard has been met shall be made at the time of license renewal for the year just ended. In the event licensee has not possessed such license for a full year, the determination of whether the 15 percent standard has been met shall be deferred until the next license renewal period. The records used to determine whether said 15 percent standard has been met shall include, but not be limited to, audited financial statements, corporate financial reports, tax return information, state liquor license reports, or any other form of information deemed acceptable by the liquor commissioner or his/her designee. A Food Service Waiver Permit may be granted subject to the provisions of Section 3-2-7.
  - f. Hours of Operation  
6:00 a.m. – 1:00 a.m. Sunday through Thursday  
6:00 a.m. – 2:00 a.m. Friday and Saturday
  - g. Off Premise must be in original sealed packaging
  - h. Delivery Allowed with all Off Premise
  - i. Licensees must comply with state statute as outlined in the Liquor Control Act (235 ILCS 5/1-1 et seq).
  - j. Licensees must comply with all state and federal statutes.
  - k. Tasting Included with all license classifications
    - i. Must follow state regulations
    - ii. Shall not to be used for video gaming qualification purposes

### **3-2-7: OVERLAY PERMIT CLASSIFICATION:**

The following permits may be obtained by the holder of a valid On Premise liquor license:

- A. Bring Your Own Beer/Beverage (BYOB): The holder of a valid On Premise liquor license issued under this chapter may apply on an annual basis for a BYOB permit.

1. Annual Permits: A BYOB Permit shall permit a valid On Premise liquor license holder to allow for alcoholic liquor to be brought into and/or consumed on the defined premises.
2. Fee: The fee for the BYOB permit shall be set and determined from time to time by the board of trustees of the Village by resolution by said board of trustees.
3. Guidelines and Restrictions: A BYOB Licensee may allow customers who are over the age of twenty one (21) to bring their own beverages (beer and wine only) in their original, unopened, sealed containers for consumption on the Licensed Premises. The entirety of the Licensed Area for the underlying On Premise liquor license shall be deemed the permitted area for BYOB activities, unless such area is further limited by the Licensee. Any employee responsible for serving alcoholic liquor or checking identification must be appropriately trained in accordance with state law and local ordinance. All regulations in this chapter shall apply to the BYOB permit and licensees shall be liable for violations of this Chapter in the same manner as the holder of other liquor license classifications. The revocation of a BYOB license shall not automatically result in the revocation of the underlying On Premise liquor license.

B. Food Service Waiver: The holder of a valid On Premise liquor license issued under this chapter may apply on an annual basis for a Food Service Waiver permit.

1. Annual Permits: A Food Service Waiver Permit shall permit a valid On Premise liquor licenses holder to allow for alcoholic liquor to be sold and consumed on the defined premises without the requirement of food service. Additional conditions may be added by the Village Board to the Food Service Waiver Permit.
2. Fee: The fee for the Food Service Waiver permit shall be set and determined from time to time by the board of trustees of the Village by resolution by said board of trustees.

### **3-2-8: NUMBER OF LICENSES AND FEES:**

A. Maximum Number Allowable: The maximum number of allowable licenses in each classification shall be determined by resolution by the board of trustees. In addition, the board of trustees may regulate the number of licenses by geographical areas within the Village.

B. Fees: The fee for each class of license shall be set and determined from time to time by the board of trustees of the Village by resolution by said board of trustees.

C. When Payable: The annual fee hereinabove designated for said liquor license shall be due and payable prior to the expiration of the current year's license.

D. Proration Of Fee: The fee hereinabove designated for the liquor license shall be reduced in proportion to the full calendar months which have expired in the license year prior to the issuance of a new license.

E. Refunds Prohibited: No part or portion of any fee paid under this section shall be refundable for any purpose. (Ord. 2004-06-15B, 6-15-2004)

F. The Commissioner may set the number of temporary grants subject to the ratification by the Village Board at the next regularly scheduled Board meeting.

### **3-2-9: INSURANCE REQUIREMENTS:**

No license shall be issued hereunder unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the state, certifying that the applicant has in force and effect the insurance required by state statute. The evidence of the insurance policy shall indicate that the term of the insurance is of sufficient length to encompass the period of the license sought and shall specifically designate the Village of Sugar Grove as additional insured. (Ord. 2004-06-15B, 6-15-2004)

### **3-2-10: TERM OF LICENSE:**

All licenses issued under the provisions of this chapter shall be for a term of one year, to begin on May 1 and to end on April 30 of each year; provided, that where application is made after the expiration of any portion of any license year, a license may be issued for the remainder thereof, upon the payment of a proportionate part of the annual fee which shall be payment for the unexpired portion of that particular license year. New village classifications have been created as of September 20, 2022, current licenses will continue to remain in effect within their current classifications until renewal, at which time the new classifications will be applicable (unless an application to convert mid-year is approved). As of September 21, 2022, all new licenses will be processed under the new license classifications. (Ord. 2004-06-15B, 6-15-2004)

### **3-2-11: DISPOSITION OF FEES:**

All liquor license fees shall be paid to the Village Clerk at the time application is made. (Ord. 2004-06-15B, 6-15-2004)

### **3-2-12: RENEWAL OF LICENSES:**

Any licensee may seek renewal of their license at the expiration thereof, provided that licensee is then qualified to receive a license and the Licensed Premises is suitable for such purpose; provided further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Commissioner from decreasing the number of licenses to be issued within their jurisdiction.

Any licensee seeking renewal must submit a renewal application request, all supporting documentation, and the required fee to the Village Clerk in substantially the same manner as provided in Section 3-4-2 hereof. The Licensed Premises shall also be subject to annual inspection as a condition of said renewal.

(Ord. 2004-06-15B, 6-15-2004)

### **3-2-13: RESTRICTIONS:**

#### **A. Location Restrictions:**

1. No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church, school (other than an institution of higher learning), hospital, home for the aged or indigent persons or for veterans, their wives or children, or any military or naval station; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops, or other places where the sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to the taking effect of this chapter..

2. Except in the case of wineries that have bed and breakfast facilities, hotels, and clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purpose and which is permitted to be used or kept accessible for use to the public. This provision shall not prevent any connection between such premises and such other portion of the building or structure which is used only by the licensee, their family, and personal guests.
3. Stores Selling School Supplies, Lunches, Etc.: No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of schoolbooks, school supplies, food, lunches, or drinks for such minors.
4. Upon request of an applicant, the Commissioner may grant an exemption to these prohibitions.

B. Sanitary Conditions: All Licensed Premises shall be kept in full compliance with the applicable laws, ordinances, rules and regulations regulating the condition of premises used for the storage or sale of food for human consumption.

C. Sale, Delivery And Consumption On Village Property:

1. Sale Prohibited; Exception: It shall be unlawful for any person, organization, group of individuals or any entity or group of any type or kind to sell, deliver or consume alcoholic liquors on any Village property, building, or park, except that alcoholic liquors may be sold and consumed at 10 Municipal Drive, Sugar Grove, IL 60554.

2. Allowable Sale And Consumption: Such sale and consumption of alcoholic liquors will be allowed only in conjunction with the use of the village hall parking lot by those entities specified in subsection 3-2-6M5 of this chapter, and not to be allowed otherwise. This section shall not legalize the sale and consumption of alcoholic liquors in village hall at any place other than those stated herein and such sale or consumption must be in conjunction with the use of the village hall parking lot for community events only. Sale and consumption of alcoholic liquors at village hall, except as otherwise provided herein, shall be unlawful.

3. Application For Use Of Village Hall Parking Lot: Any person, group, organization, or entity, which desires to sell or consume alcoholic liquors at the village hall parking lot during its use of same, must so indicate on its application for use of the village hall. Village staff is authorized to develop appropriate forms for said application. (Ord. 2007-12-04A, 12-4-2007)

D. Alcoholic Liquor In Territory Annexed To Village:

1. Petition For Change Of Status: Upon the filing of a verified petition, in conformance with 235 Illinois Compiled Statutes 5/9-9 et seq., as amended, with the board of trustees of the Village, the board of trustees by ordinance may provide that the status of the area annexed into the Village be changed so as to allow the sale of alcoholic liquor within said annexed area, subject to the same restrictions, rules, regulations and laws in effect on all other land within the Village.

2. Information Required: In addition to any requirements of the above referenced statute with respect to the form of petition to be submitted to the village, said petition must contain the following information:

- a. The legal description of such territory;
- b. The date of annexation;
- c. A statement under oath as to whether there are any legal voters residing within said area, and if in fact there are legal voters residing within the area, the number of legal voters residing therein;
- d. A request for an ordinance authorizing the change in status for said territory.

3. Finding By Board: Upon a finding by the board of trustees that the statements contained in said petition are true and that said petition conforms in all respects with this subsection and the Act, the board of trustees may enact an ordinance authorizing the sale of alcoholic liquor within said annexed area. Such change in status shall allow the sale of alcoholic liquor within said annexed area, subject to the rules, regulations, ordinances and laws of the village affecting all other land within the Village. Further, no specific sale of alcoholic liquor shall be authorized unless the Village therefor has issued a license.

E. Change Of Location: A license issued hereunder shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only when and upon the written permit to make such change shall be issued by the Commissioner. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this section.

F. Miscellaneous Provisions:

1. Entertainment:

a. Entertainment shall be allowed for all licenses that allow for consumption of alcoholic liquor on the premises.

2. Lingerie; Explicit Clothing: No licensee shall allow the sale, modeling or display of lingerie or sexually explicit clothing on the Licensed Premises.

3. Prohibited Conduct: The following kinds of conduct are prohibited:

a. The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, or any sexual acts.

b. The actual or simulated touching, caressing, or fondling of the breasts, buttocks, anus, or genitals.

c. The actual or simulated displaying of the breasts, buttocks, pubic hair, anus, vulva, or genitals.

d. The permitting, by a licensee, of any person to remain in or upon the Licensed Premises who exposes to public view his or her entire breasts, genitals, vulva or anus.

e. The displaying of moving pictures or photographic slide presentations depicting intercourse, masturbation, sodomy, bestiality, oral copulation, or any sexual act.

4. Sound Amplification: Must comply with Chapter 5 Noise Control of this Code (Ord. 2004-06-15B, 6-15-2004)

### **3-2-14: CONDITIONS OF LICENSE:**

A. Hours Of Operation:

1. Licensees may conduct operations in accordance with this chapter and the laws of the state only between the hours of six o'clock (6:00) A.M. and one o'clock (1:00) A.M. Sunday through Thursday and six o'clock (6:00) A.M. and two o'clock (2:00) A.M. Friday and Saturday

2. It shall be unlawful to sell or offer for sale, at retail, or to give any alcoholic liquor away or to admit the public to or permit the public to remain within or to permit the consumption of alcoholic liquor in or upon the Licensed Premises at times other than as above specified. Violation of this provision shall constitute cause for suspension or revocation of licenses issued pursuant to this chapter. (Ord. 2014-06-17A, 6-17-2014)

B. State License: When a licensee has obtained a local license, licensee must make application to the Illinois liquor control commission in conformity with the Act.



C. Compliance With State And Federal Statutes: All licensees under the terms hereof shall at all times fully comply with the provision of all federal and state laws and statutes pertaining to the business of such licensees. (Ord. 2004-06-15B, 6-15-2004)

### **3-2-15: EMPLOYEES:**

A. Requirements: It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor, and it shall be unlawful for any person who has not attained twenty one (21) years of age to draw, pour or mix alcoholic liquors in any establishment licensed under this chapter.

For purposes of this section "to sell" shall be defined as the act of allowing customers to acquire alcoholic liquors wherein the employee, contractor or other party or entity acting under authority of the licensee participates directly in the transaction or occurrence wherein the alcoholic liquors are given in exchange for legal tender or other consideration, and shall include such acts whether they be in connection with the sale of package goods of any and all types and kinds or for the sale of alcoholic liquors for consumption on the premises.

B. Training Requirements: Every owner, manager, assistant manager as well as every bartender, agent and employee who dispenses, sells, delivers or serves alcoholic liquor shall provide evidence of successful completion of a beverage alcoholic sellers and servers education training program (BASSET) at a facility approved under the Illinois Compiled Statutes.

C. Supervisory Requirements: Notwithstanding subsection A of this section and subsection 3-2-15A5 of this chapter, a person eighteen (18) years of age and over may serve alcoholic beverages within a Licensed Establishment if said service is in the dining area (but excluding a bar area of the Licensed Premises, regardless of whether food is served in the bar area) of the establishment during times in which meals are being served, in which case persons eighteen (18) years of age and over may serve said beverages in said area. However, if persons eighteen (18) years of age to twenty-one (21) years of age serve said beverages, each such establishment shall have, on duty at all times, supervising personnel not under the age of twenty-one (21) years to make the verification required under section 3-2-15 of this chapter for any person being served by an employee under twenty-one (21) years of age. Such person(s) shall have supervisory authority over, and be responsible for the actions of all such employees eighteen (18) years of age to twenty-one (21) years of age who serve said beverages. (Ord. 2006-02-07E, 2-7-2006)

### **3-2-16: SALES TO CERTAIN PERSONS PROHIBITED; MINORS:**

A. Underage Persons; Prohibited Acts; Penalty:

1. No person engaged in the retail sale of alcoholic liquor, or any other person, shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years.

It shall be unlawful for any holder of a retail liquor license or his or her agent or employee to suffer or permit any person under the age of twenty one (21) years to be or remain in any room compartment adjoining or adjacent to or situated in the room or place where such alcoholic liquors are sold or consumed; provided, that this subsection A-1 shall not apply to any person under the age of twenty-one (21) years who is accompanied by his or her parent or guardian or spouse, who is over the age of twenty-one (21), or to any Licensed Premises which derives its principal business from the sale of service or other commodities other than alcoholic liquor.

2. It shall be unlawful for any person under the age of twenty-one (21) years to purchase or misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor. Upon a



finding of or admittance to a violation of this subsection, a fine of up to two hundred dollars (\$200.00) may be imposed.

3. In every place in the Village where alcoholic liquor is sold there shall be displayed at all times in a prominent place, a printed card which shall be supplied by the Village Clerk and which shall read substantially as follows:

Warning to Persons Under the Age of Twenty-One: You are subject to a fine up to \$200 under the Ordinance of the Village of Sugar Grove if you purchase alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

5. In addition to all other fines and penalties therein provided, the Commissioner may suspend or revoke the retail liquor dealer's license for any violation of this subsection.<sup>1</sup>

B. Sale To Intoxicated Person: It shall be unlawful for any holder of a retail liquor dealer's license to sell, deliver or give any alcoholic liquor to any intoxicated person. (Ord. 2004-06-15B, 6-15-2004)

**3-2-17: INSPECTIONS:** It shall be unlawful to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of the Commissioner or any police officer, fire inspector or village inspector authorized by the commissioner for the purpose of making an inspection of such premises, or any part thereof. (Ord. 2004-06-15B, 6-15-2004)

**3-2-18: LIST OF LICENSES KEPT:**

The Village Clerk shall keep a complete record of all such licenses issued and shall furnish the Chief of Police with a copy thereof. Upon revocation or suspension of any license, the Village Clerk shall immediately give written notice thereof to the Chief of Police. (Ord. 2004-06-15B, 6-15-2004)

**3-2-19: PEDDLING:**

It shall be unlawful to peddle alcoholic liquor in the Village. (Ord. 2004-06-15B, 6-15-2004)

**3-2-20: REVOCATION OR SUSPENSION OF LICENSE:**

A. Violation: The Commissioner, may suspend, for not more than thirty (30) days, or revoke for cause, any liquor license for any violation of any provision of this chapter or for any violation of the laws of the State pertaining to the sale of alcoholic liquor.

B. Written Order: If the Commissioner has reason to believe that any continued operation of a Licensed Premises will immediately threaten the welfare of the community, the Commissioner may, upon issuance of a written order stating the reason for such conclusion and without notice of hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the Licensed Premises, such order shall not be applicable to such other business or businesses.

C. Notice And Hearing: No license shall be revoked or suspended except after a public hearing by the Commissioner with a five (5) day written notice to the licensee affording licensee an opportunity to appear and defend.

D. Order Of Revocation Or Suspension: The Commissioner shall within five (5) days after such hearing, if the Commissioner determines after such hearing that license should be revoked or suspended, state the reasons for such determination in a written order of revocation or

suspension and shall serve a copy of such order within five (5) days upon licensee. (Ord. 2004-06-15B, 6-15-2004)

E. Section 7-9 of the Illinois Liquor Control Act of 1934 provides for the appeal of an order issued by a local liquor commissioner to be conducted by the Illinois Liquor Control Commission.

### **3-2-21: PENALTIES:**

A. In the event that the Commissioner shall find a licensee guilty of violating any provision of this chapter, he or she may order the licensee to pay to the Village any one or more of the following:

1. A fine as provided for in the Act.
2. Reasonable attorney fees incurred by the Village and/or the Commissioner (and commission).
3. Reasonable costs, including court reporter fees, incurred at the hearing.

B. The aforesaid remedies shall be in addition to all other remedies and penalties available to the Village or the Commissioner, both at law or in equity and not in lieu thereof.

C. Any penalties, costs or fees assessed under this section shall be payable upon the order of the Commissioner unless notice of appeal has been filed by the licensee, in which case, payment is stayed until the final decision of a court of competent jurisdiction. (Ord. 2004-06-15B, 6-15-2004)

### **Notes**

- 1 1. See subsection 3-2-15C of this chapter for exception.